

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

**Sep 30 2025**

S.C. SUPREME COURT

—————  
Certiorari to Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

—————  
LORENZO BERNARD YOUNG,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001948

—————  
APPENDIX  
—————

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not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### IV. PROCEDURE FOR AMENDMENTS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCF. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCF. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCF.

#### V. DENIAL OF ALL OTHER ALLEGATIONS

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Respondent requests an evidentiary hearing be held on the claims of ineffective assistance of trial counsel.

Respectfully submitted,

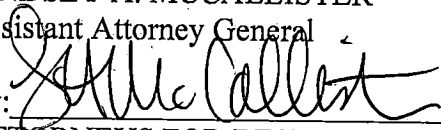
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10/9, 2019



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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ <i>ph</i> ]	phonetically written
[ <i>sic</i> ]	written as said

1 SEPTEMBER 11, 2023

2 (WHEREUPON, the proceedings began.)

3 MR. BARLOW: Thank you, Your Honor. May it please the  
4 Court. Russ Barlow on behalf of the State of South Carolina.

5 This is PCR Case Number 2019-CP-40-1119 out of Richland  
6 County. This post-conviction relief matter is Lorenzo D.  
7 Young versus the State.

8 In February 2014, the Richland County Grand Jury indicted  
9 applicant for murder, 2014-GS-40-0745; kidnapping, 0746;  
10 second degree burglary, 0747; and attempted armed robbery,  
11 0749. Stephen Krzyston, Esquire, Tracy Pinnock, Esquire, and  
12 Jacqueline Bambach, Esquire, represented Applicant. Fifth  
13 Circuit -- excuse me. Fifth Circuit Assistant Solicitors  
14 Dolly Garfield, Kathryn Luck Campbell, and Nicole Simpson  
15 prosecuted the case.

16 On November 10th through the 19th of 2014, Applicant  
17 proceeded to a jury trial before the Honorable Robert E. Hood.  
18 The jury convicted Applicant as indicted, and Judge Hood  
19 sentenced him to imprisonment for consecutive terms of life  
20 without parole for murder, 20 years for attempted armed  
21 robbery, and 15 years for burglary.

22 Applicant filed a timely notice of appeal, and David  
23 Alexander of the South Carolina Commission on Indigent  
24 Defense, Appellate Defense Division, perfected the appeal on  
25 Applicant's behalf with the filing of a merits brief. After

1 briefing and oral argument, the Court of Appeals affirmed  
2 Applicant's conviction by order filed July 19th, 2017.

3       On September 21st, 2017, the Court of Appeals denied  
4 Applicant's petition for rehearing. Applicant then petitioned  
5 the South Carolina Supreme Court for a writ of certiorari.  
6 The Supreme Court denied the petition by order of March 7th,  
7 2018. The remittitur was returned to the Circuit Court on  
8 March 15th, 2018.

9       Applicant timely commenced this PCR action on February  
10 26th, 2019, and -- asserting multiple allegations of  
11 ineffective assistance of counsel. Applicant requests relief  
12 in the form of reversal, remand, and vacation of sentence and  
13 conviction.

14       And before this Court are the Richland County Clerk of  
15 Court records, Applicant's records for the South -- from the  
16 South Carolina Department of Corrections, Applicant's  
17 appellate records, which include the entire trial transcript,  
18 and the records of this PCR action.

19       At this time, Your Honor, it's my understanding that  
20 counsel has a motion to make.

21       MR. GRIFFITH: Your Honor, we would ask that Mr. Young be  
22 able to address the Court.

23       THE COURT: All right. Mr. Young, if you'll stand, raise  
24 your right hand. Do you swear or affirm to tell the truth,  
25 the whole truth, and nothing but the truth, so help you God?

1 THE APPLICANT: Yes, sir.

2 THE COURT: All right. Yes, sir? Is there something  
3 that you'd like to tell the Court? Is there a motion? And  
4 let me ask your attorney.

5 Is there a motion he's going to make?

6 MR. GRIFFITH: Your Honor, there is a motion that he  
7 would like to make himself. However, we would ask that the  
8 court be cleared.

9 THE COURT: All right. Motion to be relieved of counsel?

10 MR. GRIFFITH: Yes, sir.

11 THE COURT: All right. Before we go forward, can we  
12 clear the courtroom of nonessential personnel so we can hear  
13 from Mr. Young? So everyone leave except for the deputies,  
14 bailiffs, court reporter, and law enforcement.

15 (WHEREUPON, there was a pause in the proceedings to clear  
16 the courtroom, after which the proceedings resumed as  
17 follows.)

18 THE COURT: All right. We are on a -- and, Mr. Young,  
19 what we're going to do is we're going to seal this court  
20 record. There will be a transcript, and it will be  
21 accessible, but only by permission of the Court. And everyone  
22 who is in this courtroom right now is under an oath not to  
23 reveal any information that might be divulged from you, since  
24 you have a right to have confidential communications with your  
25 attorney.

1 Now, if you are going to relieve your attorney, you might  
2 divulge some privileged information, and typically when you do  
3 that, that means what you say to someone else is not  
4 privileged anymore. That's not the case at this point. It  
5 will remain privileged, and everyone who hears anything you  
6 say is under oath not to divulge that or reveal that, and the  
7 same thing for the court transcript.

8 Now, it's my understanding you want to be relieved of  
9 counsel from your attorney; is that correct?

10 THE APPLICANT: Yes, sir.

11 THE COURT: Why?

12 THE APPLICANT: Okay. I was appointed four attorneys  
13 before Mr. Griffith. I had -- I forgot. I can't remember  
14 their names because I been misplaced all my paperwork in the  
15 South Carolina Department of Corrections, but I had four  
16 attorneys, one attorney who was representing me and my co-  
17 defendant on the PCR hearing, and it was a conflict of  
18 interest and he removed himself off our case.

19 The second attorney I had, I forgot his name. I can't  
20 remember it as well, but I was -- I had him for about five or  
21 six months. He was hiring a private investigator and et  
22 cetera, and he removed himself off of my case as well.

23 Then I got another attorney who was an old guy. I forgot  
24 his name as well, but he -- I guess he got sick. And then  
25 they appointed me Mr. -- Mr. Griffith, and I've had Mr.

1 Griffith for about, I'd say, 30 or 45 days. And I was texting  
2 him a lot of issues that I wanted to address on my PCR, and I  
3 wanted to hire a private investigator to look into something  
4 that my attorney on trial didn't look into.

5 And Mr. Griffith came up here. We came up here 30 days  
6 ago, and we got a continuance on that situation, and he never  
7 came down to the prison and spoke with me. He made a phone  
8 call to me, and that was when my property was misplaced, and I  
9 was trying to let him know that I needed him to speak with  
10 certain eyewitnesses in my case.

11 I apologize. This is my first time doing this, sir.

12 THE COURT: That's all right. Take your time.

13 THE APPLICANT: You know, I let him know I need to speak  
14 with him about certain alibis on my case, about my motion of  
15 discovery and my transcript and certain things I wanted to  
16 address. And the next time I talked to him, he was -- was --  
17 like, last week he was telling me, well, they got court coming  
18 up, what you need me to do, and I let him know what I need him  
19 to do, and he didn't go too far.

20 So I feel like I -- within the week or so, I can retain  
21 another attorney. He can turn everything over. A private  
22 attorney instead of one appointed to me.

23 THE COURT: All right. Yes, sir, Mr. Griffith?

24 MR. GRIFFITH: I have -- I am prepared to go forward for  
25 Mr. Young. I did spend time on the phone with him, not in

1 person but on the phone, and had, I believe, adequate time to  
2 find out what he needed, but it's up to the Court, of course.

3 THE COURT: All right. Mr. Young, I understand your  
4 frustrations with the process and to communicate with  
5 attorneys. However, it's been a long amount of time. You've  
6 had four attorneys. Whether it's your fault or not your fault  
7 is not the issue, and the issue is whether your attorney is  
8 prepared to go forward.

9 THE APPLICANT: Yes, sir.

10 THE COURT: And he's done his due diligence. He's done  
11 his investigation, as well as building off of what your  
12 previous attorneys have done.

13 So I don't think the lawyer -- the attorney-client  
14 relationship is irretrievably broken. I don't believe that he  
15 has acted inefficiently. I believe he'll be able to present a  
16 case in front of me today, doing the job that he was hired to  
17 do and appointed to do as an officer of this Court.

18 So I'm not going to relieve him from your case. We're  
19 going to go forward. Okay?

20 THE APPLICANT: Okay. And it was certain witnesses that  
21 I put down that didn't even come today as well, and I told him  
22 I needed -- he told me he couldn't find these people, and  
23 these people are in the South Carolina Department of  
24 Corrections.

25 THE COURT: Well, let me just say this, though. Whether

1 -- and that's going to be part of his job to understand which  
2 witnesses need to come, which ones have nothing to do with the  
3 PCR, which ones are the issues important to your case for the  
4 PCR as opposed to everything. He's going to have to narrow it  
5 down to what's important, because even if you have all these  
6 witnesses, it doesn't mean he can bring them in here. It  
7 doesn't mean -- I can sign an order. I can say we're not  
8 doing that. I can say we're not hearing from this person.  
9 We're not bringing this person here because it's not important  
10 to your case.

11 So I understand maybe one of these witnesses, maybe you  
12 think they're important, but that's his job as a PCR attorney  
13 to understand what your issues are and how to increase your  
14 likelihood of success on the merits. And so it's ultimately  
15 up to me, the judge, about what's coming in and what I'm  
16 deciding the case on. Okay?

17 THE APPLICANT: Okay.

18 THE COURT: Okay. Thank you, Mr. Young. You may be  
19 seated.

20 Let's open up the -- bring everyone back here.

21 (WHEREUPON, there was a pause in the proceedings to  
22 reopen the courtroom, after which the proceedings resumed  
23 as follows.)

24 THE COURT: All right. We're back on the open record.  
25 Mr. Young's motion to be relieved has been denied for the

1 reasons stated earlier. We're going to go forward with this  
2 case.

3 Yes, sir?

4 MR. BARLOW: Thank you, Your Honor.

5 MR. GRIFFITH: Your Honor, we would call Mr. Lorenzo  
6 Young.

7 THE COURT: All right. Mr. Young, if you'll come up here  
8 and be sworn.

9 MR. BARLOW: Your Honor, may I approach?

10 THE COURT: Yes, you may.

11 If you'll stand right there, face me. We're going to  
12 swear you in one more time.

13 THE CLERK: Raise your right hand.

14 THE COURT: All right, Mr. Young. Do you swear or affirm  
15 to tell the truth, the whole truth, and nothing but the truth,  
16 so help you God?

17 THE APPLICANT: Yes, sir.

18 THE COURT: All right. If you'll grab a seat there and  
19 state your full name for the record.

20 THE APPLICANT: Lorenzo Young.

21 THE COURT: All right. Mr. Young, this court reporter is  
22 taking down everything you say, so just make sure to speak  
23 slowly, because we've got to build a good record. Speak  
24 slowly and speak up so she can hear you. Okay?

25 THE APPLICANT: Yes, sir.

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 THE COURT: All right. If you need at any point to -- to  
2 ask your attorney to rephrase the question or repeat it,  
3 you're more than free to do that. Okay?

4 THE APPLICANT: All right.

5 MR. GRIFFITH: If it please the Court, Your Honor.

6 LORENZO YOUNG, being first duly  
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. GRIFFITH:

10 Q: Mr. Young, where are you currently incarcerated?

11 A: At the Department of Corrections in Lee County.

12 Q: And state your full name?

13 A: Lorenzo Young.

14 Q: Okay. And, Mr. Young, how long have you been  
15 incarcerated now?

16 A: All together or just in prison?

17 Q: In prison.

18 A: Seven -- seven or eight years.

19 Q: And when your attorney was representing you during the  
20 trial, do you remember the names of your attorney?

21 A: Yes.

22 Q: And what are they?

23 A: Stephen Krzyston, Tracy Pinnock, and Jacqueline Bambach.

24 Q: Okay. And did you have discussions with those attorneys?  
25 Prior to your trial, did you get time to talk to those

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 attorneys?

2 A: On a few occasions, yes.

3 Q: Okay. And what did you ask your attorneys to  
4 investigate?

5 A: At the time I was arrested in 2013, when I reached Alvin  
6 S. Glenn Detention Center, the only thing I had was my arrest  
7 warrant. And he came to see me I'd say maybe a month or two  
8 later, and he told me he was waiting on my discovery to come  
9 from the Solicitor's Office before -- before he can go on with  
10 briefing me about the case.

11 And from that point on, it was, like, a month later I  
12 seen him again and we spoke, and I was giving him my alibi  
13 about where I was at the time. I told him to investigate it  
14 because, you know, it can prove my innocence.

15 Q: Okay. And did you give him the name or names of persons  
16 who would be your alibi?

17 A: Yes, sir.

18 Q: And you and I talked about that a little bit and you gave  
19 me a few names, but you couldn't remember their last names.  
20 Could you go ahead and tell us those names?

21 A: You have Saquon. You have Marquise, Dontrell, Yugio  
22 [ph].

23 Q: Okay. And were those people that you were going to use  
24 as alibis -- were they talked to by your attorney?

25 A: No, sir.

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 Q: But did you inform your attorney about those people?

2 A: Yes, sir.

3 Q: And so do you believe that if those alibi witnesses had  
4 been contacted that that would have changed the outcome of  
5 your trial?

6 A: Yes, sir. I feel like -- and when I finally did get my  
7 motion of discovery, I seen an investigative report that the  
8 investigators were going to question these individuals, but  
9 they decided not to under whatever circumstances. So I let my  
10 attorney know he needed to go question those individuals as  
11 well. They can prove my alibi.

12 Q: And did your attorney question those people?

13 A: No, sir.

14 Q: Okay. And what did you tell your attorney about those  
15 people? What could they provide? What could they tell your  
16 attorney?

17 A: I think I let my attorney know at the time that --

18 MR. BARLOW: Your Honor, I'm going to object to hearsay  
19 and speculation as to what someone may or may not say. And if  
20 they're here, then they can testify to it.

21 THE COURT: Overruled. You can answer the question.

22 MR. GRIFFITH: Okay.

23 BY MR. GRIFFITH:

24 Q: So what would they have told your attorney?

25 A: Say it one more time?

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 Q: What would those alibi witnesses have said to your  
2 attorney?

3 A: When they -- I can speak about the crime and what's --

4 Q: Yeah.

5 A: Okay. At the time, the solicitor or investigators, they  
6 -- they put witnesses on the stand who stated that all me and  
7 my co-defendants was together at the time, and I was at they  
8 house, but the people that -- that was -- how can I say it?  
9 The people that was at the house -- I'm nervous. This is my  
10 first time doing this, but the people that was at the house  
11 that night, they can speak and say that I wasn't there with  
12 the other defendants, and I left prior to the crime.

13 Q: Okay. And so these witnesses would have been willing to  
14 testify that you were not there?

15 A: Yeah. They could testify that I was there at the home  
16 that night, but I left prior to the --

17 Q: Right.

18 A: -- the incident happening by myself.

19 Q: Okay. And so did you explain that to your attorney?

20 A: Yes.

21 Q: Okay. But did your attorney then go investigate and talk  
22 to these people?

23 A: No.

24 Q: You -- you talked to me a little bit about some other  
25 investigation that you thought your attorney should have done.

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 Do you remember talking to me about other investigation that  
2 they should have done, like investigating -- I'll give you  
3 DNA. Did you talk to them about that?

4 A: Yes. When I was going through my evidence myself at  
5 Alvin S. Glenn, I seen where they stated that they did not  
6 have any DNA on me, but during trial they stated that they  
7 did. And I was letting him know can he hire an expert himself  
8 to check into that situation, because I'm pretty sure, a  
9 hundred percent sure, my DNA was not on the crime.

10 Q: Okay. And in your -- in your complaint, you also talked  
11 about your attorneys didn't really challenge certain  
12 witnesses. What -- what do you mean by that?

13 A: Can you repeat that again?

14 Q: You said that your attorney did not challenge the  
15 credibility --

16 A: Yeah.

17 Q: -- of some of the witnesses who you said lied.

18 A: Yeah.

19 Q: Can you tell us a little bit more about that?

20 A: Okay. I had a high-profile case and, at the time, it was  
21 multiple people trying to incriminate me and I guess put me  
22 under the gun to save theyselves and their situation.

23 And the witnesses that the State introduced, they was --  
24 they was jailhouse snitches, and they said that I told them  
25 information about my case. And I told my attorney if he could

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 go look through the jailhouse records, he would see that me  
2 and these guys never had any interactions with each other.  
3 We'd never been around each other, but Alvin S. Glenn keep  
4 logs of every dorm you go to, when you move, and everything  
5 like that.

6 Q: Okay.

7 A: So if he would've investigated that, he could have  
8 presented that on my defense as well.

9 Q: So basically that would be some new evidence that these  
10 people would bring? Is that what you're saying?

11 A: Yes.

12 Q: Okay. And none of that was presented at court --

13 A: No.

14 Q: -- in your trial? Okay. Now, you also told me that at  
15 the time you were in this trial and before that time, you were  
16 having some problems yourself mentally. Is that what you told  
17 me?

18 A: Well, yes, I was.

19 Q: So did you totally understand everything that was going  
20 on during the trial?

21 A: That was my first time going through a situation like  
22 this. So I really wasn't, and I was [*inaudible*].

23 Q: Were you on medication then or did you go on medication  
24 after you went to the jail?

25 A: I've been on medication my whole life.

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 Q: Okay. And so, at that time, do you remember when the  
2 judge asked you about whether you had -- whether you  
3 understood what was going on there at the end?

4 A: I do.

5 Q: Okay. But did you really understand during the trial?

6 A: As much as my attorney broke down to me. Yeah, I  
7 understand a little bit.

8 Q: But --

9 A: But not everything because I was new to it all.

10 Q: Okay. Tell us how this mental problem affects you?

11 A: Comprehending things, staying focused, learning stuff.  
12 Really, that's it.

13 Q: Okay. And so, now, is there anything else you want to  
14 let the Court know about why you believe you should have a new  
15 trial?

16 A: Because I was set up in this situation. I feel like I  
17 was the person of interest for no reason at all, for nothing.  
18 Everything that they have is circumstantial on me, and it  
19 wasn't direct evidence.

20 Q: Okay. All right. Is there anything else you wanted to  
21 add?

22 A: No, sir.

23 Q: Okay. Have you -- have you put forth -- have you told us  
24 all the -- the things that you're aware of that you are ready  
25 to say why you need a new trial? Have you told us all about

## LORENZO YOUNG - DIRECT BY MR. GRIFFITH

1 it again?

2 A: There's certain evidence that I feel like if the right  
3 attorney Investigated and questioned certain witnesses, it  
4 would prove my innocence.

5 Q: Okay.

6 MR. GRIFFITH: Okay. Well, please answer any questions  
7 that the Attorney General has.

8 CROSS-EXAMINATION

9 BY MR. BARLOW:

10 Q: Good morning, Mr. Young.

11 A: Good morning.

12 Q: I just have a couple of questions for you. You said that  
13 you had an alibi defense, that you were not present when this  
14 murder occurred?

15 A: Yes, sir.

16 Q: Okay. You left --

17 A: Uh-huh.

18 Q: -- before it happened?

19 A: Yes.

20 Q: And where did you go?

21 A: I went to a friend's house.

22 Q: Who?

23 A: A female.

24 Q: Who?

25 A: Her name is Brittany.

1 Q: Brittany what?

2 A: Jones.

3 Q: Okay. And that's what you told your attorneys?

4 A: Yeah. I didn't explain where I went. I told them I  
5 left.

6 Q: Okay. Who were your alibi witnesses?

7 A: Saquon. I forget his last name. Marquise, Dontrell,  
8 Yugio, and -- and my co-defendants.

9 Q: Your co-defendants are your alibi defense?

10 A: Yes.

11 Q: The same people that were convicted of this crime as  
12 well?

13 A: Yes.

14 Q: And how would they be your alibi defense?

15 A: Because they were pointing me out to be the blame in this  
16 situation to -- to get the heat off them, I guess, to save  
17 theyself [sic].

18 Q: But they were convicted as well; correct?

19 A: Yes.

20 Q: And did you have this trial -- did you have a -- yeah.  
21 Your co-defendant was in this trial; correct?

22 A: Yeah.

23 Q: Mr. Barnes?

24 A: Yes.

25 Q: Okay. But he was doing this to get the heat off him?

## LORENZO YOUNG - CROSS BY MR. BARLOW

1 A: Yes.

2 Q: Okay.

3 A: I mean, he didn't -- he didn't take the stand or  
4 anything, but --

5 Q: And again, just slowly, you said Dyquan is your alibi  
6 witness?

7 A: Say that again?

8 Q: Saquon.

9 A: Yes, sir.

10 Q: Saquon? And Brittany?

11 A: Jones.

12 Q: Brittany Jones. Okay. And what -- who is Brittany Jones  
13 to you?

14 A: A female friend.

15 Q: Okay. Why didn't she come forward?

16 A: Why didn't she?

17 Q: Correct.

18 A: I mean, my lawyer didn't never -- I didn't never tell  
19 them.

20 Q: Did you have any conversations with Ms. Jones after you  
21 were arrested?

22 A: Yeah.

23 Q: Did you ask her to go to the police and tell them that  
24 she -- that you were with her?

25 A: No.

1 Q: Why not?

2 A: I mean, because I was really into what was going on. I  
3 mean, I really didn't tell her to go do a police report  
4 because it was up to the State to prove that I was guilty, you  
5 know, and I had witnesses that stated I didn't leave with them  
6 at all. So --

7 Q: Sir, you do understand you were facing murder -- correct?  
8 -- though?

9 A: Yes.

10 Q: Okay. So you didn't think it was important to have your  
11 alibi witness go and tell your alibi?

12 A: Yes. I felt like it was important, but it was a lot -- a  
13 high-profile case at that time. People didn't want to get  
14 involved with the situation at that time, like.

15 Q: Okay. And I'll move on to the investigative report.  
16 What investigative report were you referring to?

17 A: The one I was given by Mr. Krzyston when he gave me my  
18 motion of discovery, and it was an investigative report at the  
19 [inaudible].

20 Q: Do you recall what time you left the house?

21 A: Yes. It was -- no, I can't remember exactly what time,  
22 but it was, I'd say, about 12 or 1 o'clock, something like  
23 that.

24 Q: PM or AM?

25 A: AM.

## LORENZO YOUNG - CROSS BY MR. BARLOW

1 Q: Okay. And you had mentioned something on direct about  
2 DNA. Can -- can you explain to me what you were talking  
3 about?

4 A: In trial, the State, I guess, from my understanding --  
5 because they misplaced all my paperwork. So I'm really up  
6 here confused a little bit, but the State introduced evidence  
7 and said they had my DNA, and from my understanding in my  
8 direct appeal, the DNA was worthless. They said it was -- it  
9 can contribute to half of the world's population or something  
10 like that.

11 Q: Your conviction and sentence was affirmed on direct  
12 appeal; correct?

13 A: Yes.

14 Q: Okay. And do you recall -- do you recall how many  
15 jailhouse snitches it was that you had, as you termed them?

16 A: Two of them. Three, if I'm not mistaken, two or three.

17 Q: Three?

18 A: Yes.

19 Q: And you're saying that all three of them were lying?

20 A: Definitely, yes. Yes, sir.

21 Q: And they were never housed with you?

22 A: Yes, sir.

23 Q: But they testified that they were housed with you?

24 A: Yes.

25 Q: Okay.

## LORENZO YOUNG - CROSS BY MR. BARLOW

1 A: No. Some of them testified that they met me in the law  
2 library. Some testified and said they was housed with me,  
3 yes.

4 Q: One testified that he met you in the law library?

5 A: Yes.

6 Q: And the other two were housed with you. Do you recall  
7 that?

8 A: Say that last thing again?

9 Q: And the other two were housed with you?

10 A: Yeah.

11 Q: Okay.

12 MR. BARLOW: I beg the Court's indulgence.

13 BY MR. BARLOW:

14 Q: You did have one witness that testified for you; correct?

15 A: No, sir.

16 Q: You don't recall the testimony of Donald Moore?

17 A: That was the State's witness.

18 Q: Correct. And do you recall what Mr. Moore did on the  
19 stand?

20 A: Yes. You've got to understand that he lied about  
21 everything in the situation, and I'm pretty sure that a lot of  
22 more people would do the same thing.

23 Q: So it was not -- so he was not technically the State's  
24 witness? He was technically the State's witness -- excuse me  
25 -- but he testified in your favor; correct?

## LORENZO YOUNG - CROSS BY MR. BARLOW

1 A: I mean, you could say that, yeah. I didn't feel like it  
2 was my favor because he incriminated me from the beginning in  
3 a lot of them, but --

4 Q: And -- but Mr. Moore, in his testimony to the Court, he  
5 indicated that he lied about everything?

6 A: Yes, but that lie got me in this situation.

7 MR. BARLOW: Nothing further, Your Honor.

8 THE COURT: All right. Redirect?

9 MR. GRIFFITH: Nothing, Your Honor.

10 THE COURT: All right. Thank you, Mr. Young. You may  
11 step down.

12 MR. GRIFFITH: We have no further witnesses, Your Honor.

13 THE COURT: Mr. Barlow?

14 MR. BARLOW: Thank you, Your Honor. The State would call  
15 Stephen Krzyston.

16 THE COURT: Mr. Krzyston, come down to be sworn.

17 Do you swear or affirm to tell the truth, the whole  
18 truth, and nothing but the truth, so help you God?

19 THE WITNESS: Yes, sir, Judge.

20 THE COURT: All right. If you'll have a seat and state  
21 your name for the record and spell it, please.

22 THE WITNESS: My name is Stephen Krzyston, K-r-z-y-s-t-o-  
23 n.

24 STEPHEN KRZYSTON, being first  
25 duly sworn, testified as follows:

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

DIRECT EXAMINATION

1

2 BY MR. BARLOW:

3 Q: Good morning, Mr. Krzyston. How long have you been  
4 practicing law?5 A: I'm going to go with about 10, 11 years at this point,  
6 believe it or not.

7 Q: And how much of that has been criminal law?

8 A: The vast majority I'd say, all but the last -- all but --  
9 since -- from 2012 until 2019, I practiced exclusively  
10 criminal law and criminal defense.

11 Q: And were you appointed or retained in this case?

12 A: Appointed through the Richland County Public Defender's  
13 Office.14 Q: Okay. And roughly how long before trial were you  
15 appointed?16 A: I do not remember the specific dates, but it looks like  
17 our office was appointed somewhere around July of 2013. And  
18 then the trial, to my recollection based on your pleadings,  
19 occurred in November of 2014.

20 Q: So a little over a year?

21 A: Sure.

22 Q: Okay. And during that time, did you receive discovery?

23 A: We did.

24 Q: And you reviewed that discovery with Applicant?

25 A: I did.

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 Q: And could you give us a brief overview of the State's  
2 evidence in this case?

3 A: And I'll tell you, I'm kind of working from behind the  
4 eight ball here. Apparently, our cold storage or the public  
5 defender's cold storage lost two of my four boxes, and so I'm  
6 without some of my notes.

7 What I remember in terms of evidence was a piece of DNA  
8 evidence. Apparently, I think there was DNA or a partial DNA  
9 hit on the spoon that was held by the decedent. I believe  
10 that that, from my recollection, Mr. Young couldn't be  
11 excluded as a contributor. There was -- his profile matched  
12 or matched pieces of the partial profile that was yielded from  
13 the spoon.

14 There was not witness testimony, but there was witnesses  
15 who -- who had encountered Mr. Young both before and after the  
16 allegations down at the bakery. There was also snitch  
17 testimony, for lack of a better term, which, you know,  
18 primarily consisted of people saying that Lorenzo had admitted  
19 to the crime in various forms of fashion.

20 And there was also, probably most notoriously, a  
21 handwritten note from Trent Barnes, wherein he essentially  
22 alleged and admitted that he, Mr. Young, and his brother, as I  
23 recall, participated in -- in the event, and I believe Mr.  
24 Barnes was asking for forgiveness from his mother or something  
25 like that.

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 Q: And based on the State's evidence, though, you were able  
2 to craft a defense strategy?

3 A: We were, yeah.

4 Q: Do you recall what your defense strategy was?

5 A: We -- our theme was -- was essentially that the  
6 authorities had rushed to judgment based upon the evidence  
7 that they had. You know, I mean, this -- there was direct  
8 evidence in this case, obviously, but to a large extent, I  
9 think Mr. Young's right that it was a circumstantial case. I  
10 think the meat to the potatoes, if you will, was certainly  
11 circumstantial. But, you know, our theme was that -- that the  
12 government had rushed to judgment and not -- had not  
13 adequately vetted the evidence that they actually had.

14 Q: Let me ask you, did Mr. Young ever inform you of an alibi  
15 or any alibi witnesses?

16 A: We discussed -- and looking back to my notes -- and Mr.  
17 Young's case had sort of a tortured procedural history in that  
18 he started out actually with Courtney Gibbs. He -- Ms. Gibbs  
19 left the Public Defender's Office. The case was transferred  
20 to me, and then Tracy Pinnock and I sort of started to -- to  
21 bring it up to speed for trial.

22 And we did discuss it looks like a couple of times alibi  
23 and his potential alibi. And it looks like in October of 2014  
24 -- excuse me. The end of September of 2014, we were advised  
25 that there were potentially two alibi witnesses, Marvetta Rowe

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 and Carlina Rowe [ph].

2 We -- Ms. Gibbs had hired previously an investigator in  
3 the case, Joseph Best, who's now unfortunately deceased, but  
4 Mr. Best did make contact with both Marvetta and Carlina it  
5 appears in reference to an individual named Brittany Young. I  
6 realize that he said that Brittany Jones when he was up here,  
7 but these notes -- it could be a typo or we could have had  
8 information that it was Brittany Young who was the alibi  
9 witness.

10 Mr. Best, it appears, was able to contact Brittany. She  
11 indicated -- let's see. I don't have specifically where she  
12 indicated they were, but in looking to my notes further, it  
13 appears that Mr. Young's cell phone information did not match  
14 up with the location for the alibi, and that would have been  
15 based on cell phone triangulation data that was provided to us  
16 by the government. And so there was a conflict in terms of  
17 facts as to where the witnesses were saying he was versus  
18 where the cell phone towers showed his -- his telephone to be.

19 THE COURT: All right. Just one minute.

20 Mr. Anderson, sit up, sir. We're in court.

21 All right. You may continue.

22 MR. BARLOW: Thank you, Your Honor.

23 BY MR. BARLOW:

24 Q: Do you recall him ever mentioning a Saquon?

25 A: I do not. I don't have anything in my notes, and we're

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 talking about ten years ago. So the best I can give you is  
2 that I do not recall him ever mentioning that.

3 Q: How about Marquise?

4 A: Neither of those names appear in my note under the visit  
5 where the two alibi witnesses that were just discussed came  
6 from.

7 Q: But you did investigate the alibi that he gave you?

8 A: Yeah. In terms of the witnesses that we were given on  
9 September 29th, by October 15th of that same year, we're  
10 getting investigative returns, which are, again, potentially  
11 factually problematic, but yes, we certainly investigated  
12 that.

13 Q: Okay.

14 A: And I'll also say, I know that the Court granted a  
15 limited right of discovery for both parties and that they were  
16 entitled to get my boxes, as well as the prosecutor's boxes  
17 from storage. And so if there's -- there may be additional  
18 handwritten notes sussing out further alibi witnesses, but  
19 again, I haven't been able to retrieve the one box that has  
20 all my administrative notes in it. So --

21 Q: Let's move on to the DNA. I know you mentioned it in the  
22 -- the substance of your -- of these, understanding of the  
23 State's evidence, but as to the DNA, did you have any reason  
24 to hire or see any reason to hire a DNA expert?

25 A: I don't know that we formally hired Mr. Ostrowski -- Dr.

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 Ron Ostrowski, and I do know that we spoke with him on October  
2 23rd regarding the DNA, and it looks like we consulted with  
3 him about that. I mean, the issue with the DNA really helped  
4 as much as it hurt. I mean, it's a partial match. They  
5 couldn't exclude, I think I remember, a third of the  
6 population of the world.

7 And so DNA, by virtue of being identification evidence,  
8 that's not really valuable. I mean, it certainly was admitted  
9 in the trial, but that was, you know, not something that would  
10 have been necessary for us to go in and conduct a full-scale  
11 impeachment of the Richland County Sheriff's Department DNA  
12 policies and procedures.

13 Q: Do you recall extensively -- this was a -- this was a  
14 nine-day trial?

15 A: Thereabouts. I remember it being about two work weeks.

16 Q: And do you recall extensively cross-examining the State's  
17 witnesses?

18 A: I'll leave the qualifier to you, but I do remember cross-  
19 examining all of the -- all of the State's witnesses or those  
20 of -- those for whom I had responsibility.

21 Q: Did Mr. Young ever indicate to you that he had mental  
22 health issues?

23 A: No. And, you know, I guess the tough thing there is  
24 that, you know, mental health issues, somebody sometimes has  
25 it and they don't know, but from my interactions with Mr.

## STEPHEN KRZYSTON - DIRECT BY MR. BARLOW

1 Young, I have in my notes that I did not suspect any mental  
2 health issues.

3 Typically, when I see somebody or when I saw somebody in  
4 the jail, I would run through kind of a standard  
5 interrogation, if you will, of the person, wherein I asked  
6 them questions about whether or not they've ever been -- or  
7 received services through DDSN, whether they've been diagnosed  
8 with any sort of disability, whether they were at school under  
9 an individualized education plan or whether they were on  
10 standard curriculum, how far they got in school.

11 Nothing in my conversations with Mr. Young and nothing in  
12 my notes trigger any sort of memory of him having any  
13 difficulty in understanding me or that there was any sort of  
14 outwardly apparent mental health issue.

15 Q: So in your professional opinion as a lawyer, you saw no  
16 reason to have him have a competency evaluation done?

17 A: Yeah. That would have been my opinion.

18 MR. BARLOW: Nothing further, Your Honor.

19 THE COURT: All right. Any redirect? Or excuse me,  
20 cross?

21 MR. GRIFFITH: May it please the Court, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. GRIFFITH:

24 Q: Krzyston?

25 A: Yes. The bark is worse than the bite.

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 Q: Mr. Krzyston, were you representing Mr. Young during the  
2 entire time of his incarceration? I mean, I think you  
3 mentioned someone else had the case before you.

4 A: Yes, sir. That would -- the answer to that, the short  
5 answer would be no. The case did transfer to me at some point  
6 in 2013.

7 Q: Okay. And so a lot -- did you take up the work that that  
8 person had had? That is, get their notes and that kind of  
9 thing?

10 A: Yeah. Anything that Courtney had created during her  
11 tenure, if you will, would have been passed on to me, both in  
12 electronic and physical format.

13 Q: Okay. So did you depend upon a lot of that or just not  
14 pay attention to it or what?

15 A: Well, certainly, I paid attention to it. That's my job,  
16 but with regard to relying on the work product, my  
17 recollection is that Courtney left relatively early on in the  
18 case. It looks like my first note is from January of 2014,  
19 and I don't remember exactly when -- I want to say that this  
20 was -- this case was earlier July, the allegations that deal  
21 with the case, I want to say late June or early July,  
22 somewhere around there.

23 So Courtney really only had it for what I think is about  
24 -- about six months. And actually looking up here, the date  
25 of arrest was 7/6/2013. So Courtney had it from 7/6/2013

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 until at latest July 16th -- excuse me -- January 16th, 2014.

2 And so the work product that was relied on would have been  
3 generated by myself and Ms. Pinnock.

4 Q: Okay.

5 A: In large part.

6 Q: So when the prior attorney Courtney left, you took on a  
7 bunch of her cases? Is that what generally happens in the PD  
8 there?

9 A: Yeah, it was a conglomeration. Like, around this time, a  
10 lot of the older folks were leaving, and I did take on some  
11 cases from each of them in turn.

12 Q: And so how many cases do you think maybe would have been  
13 typical for you to have at that time?

14 A: It is hard to say. From what I recall, I was on what's  
15 colloquially known as the violent team in our office or in the  
16 Public Defender's Office. Caseloads we attempted to keep in  
17 the 90s, which for a Public Defender's Office is pretty  
18 reasonable.

19 Q: Okay. And so you say you -- you lost or somehow don't  
20 have most of your notes on this case, your own work product?

21 A: Yeah. I've got a few notes that were entered into the  
22 computer. Again, when files -- when -- when cases go to trial  
23 and the case closes, we take all the physical material that  
24 was generated during the lifespan of representation and box it  
25 up.

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 And obviously, the Public Defender's Office utilizes a  
2 third-party vendor to -- to handle storage of closed cases,  
3 and so I -- I'll tell you that I transmitted four boxes to  
4 them, but in the return, we only got two. And so what's  
5 missing are probably day to day, like, attorney-client contact  
6 notes, notes, you know, of specificities with the  
7 investigator, notes from our conversation with the DNA expert,  
8 that sort of thing.

9 Q: Okay. Mr. Young mentioned several people as his alibi,  
10 Saquon, Marquise, and Dontrell. Do you recall any of those  
11 names?

12 A: I don't off the top of my head.

13 Q: Okay. So you would say that you did not question those  
14 people?

15 A: I wouldn't say -- I didn't say that. I don't recall.

16 Q: You don't recall questioning those people?

17 A: Correct.

18 Q: Okay.

19 A: Whether we did it or not, I mean, again, we'd have to  
20 call Iron Mountain and get them to actually locate our stuff.  
21 I might be able to give you an answer, but --

22 Q: Well, right --

23 A: I'm sorry.

24 Q: Yeah. But right here, right now --

25 A: No.

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 Q: -- you don't recall --

2 A: I don't.

3 Q: -- reaching out to those people?

4 A: Yeah. What I do recall is that we have two names noted  
5 in the attorney-client contact note from 9/29/14, and that was  
6 in two weeks we were turning back investigative returns on  
7 those witnesses. So I believe I would have put -- I put those  
8 two names down. I certainly would have put anybody else's  
9 name down and asked for investigations on them. So not seeing  
10 that, I kind of lean towards we maybe didn't hear those names,  
11 but again, sitting here, I don't recall.

12 Q: Okay. So could it be possible that he told those names  
13 to his prior attorney and that information never got to you?

14 A: I mean, anything's possible, but again, there was no  
15 note. There was no need for me or any indication for me to  
16 follow up and do any investigation. I certainly wouldn't  
17 sound something that was expressly written in the file.

18 Q: And so you -- you don't have any notes saying that you  
19 personally talked to any alibi witnesses; is that right?

20 A: I would never personally talk to a witness unless there  
21 was an investigator present.

22 Q: Okay.

23 A: I can't make myself a witness in the trial of a  
24 defendant.

25 Q: And so your investigator -- did he return any names of

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 witnesses that you potentially should call?

2 A: Again --

3 Q: That you recall?

4 A: Yeah. I don't recall. What I do recall is that he  
5 talked to Rowe -- Carlina Rowe and somebody named Brittany,  
6 perhaps Brittany Young.

7 Q: So you don't know whether he recommended that you call  
8 certain alibi witnesses at all?

9 A: No, it did not appear to me he did.

10 Q: Pardon?

11 A: It doesn't appear from my notes that he recommended that  
12 we contact any additional parties.

13 Q: But your --

14 A: We certainly would have instructed him to do that, and he  
15 would have had the freedom to go ahead *sua sponte* and do that.

16 Q: But you're missing some of your notes; right?

17 A: Yep. I would assume so.

18 Q: Okay. And now, also, did you ask for a mental evaluation  
19 for Mr. Young?

20 A: I did not, as I recall.

21 Q: Now, you heard Mr. Young testify that he's been treated  
22 all of his life for mental disabilities. Did you hear him say  
23 that when he was on the stand? I don't know if you were in  
24 here.

25 A: I was in here. I wasn't paying attention word for word,

1 but --

2 Q: Okay. Did he make you aware of that?

3 A: I was not aware of that.

4 Q: So you don't recall him telling you that he has had  
5 mental issues all his life?

6 A: No. And as I discussed on direct, my standard screening  
7 would have included exhaustive questioning regarding the  
8 prospect of him having a mental health issue, and I do have  
9 noted that there are no mental health issues.

10 Q: Okay. And so as to the mental issues, the -- did he --  
11 you said that you had no trouble communicating with him?

12 A: That's correct.

13 Q: Is that what you're telling us? Okay.

14 A: I mean, we engaged in substantive plea negotiations with  
15 the prosecutor's office. I think at some point there was an  
16 offer of 65 years. We discussed that. We discussed a counter  
17 at 40 to 45. It required -- it would have had to have been  
18 what I call a global resolution.

19 We discussed the potential that -- you know, this trial  
20 didn't happen in a vacuum. There were several sets of charges  
21 against Mr. Young that were made based on separate allegations  
22 of criminality prior to the situation that yielded this  
23 homicide.

24 And one of the things that we discussed with him was our  
25 concern that the prosecutor's office could -- could kind of

## STEPHEN KRZYSTON - CROSS BY MR. GRIFFITH

1 sit back on the trial and convict him of underlying most  
2 serious offenses and -- and have basically an LWOP notice kind  
3 of baked in. And so, I mean, we discussed extensively his  
4 strategic position, as well as the evidence in the case,  
5 throughout the course of the representation.

6 And, you know, I've -- I've represented people who are  
7 intellectually disabled. I've represented people who have  
8 mental health issues. And he did not trigger or show any  
9 outward manifestation that led me to believe he did not  
10 understand me or that he had a mental health issue.

11 Q: Okay.

12 A: And his responses to my questions and advice would have  
13 been logically what I expect from somebody who is  
14 understanding what's going on.

15 Q: Okay.

16 MR. GRIFFITH: Okay. I have no further questions. Thank  
17 you.

18 THE WITNESS: Thank you.

19 THE COURT: Any redirect?

20 MR. BARLOW: No redirect, Your Honor.

21 THE COURT: Thank you, Mr. Krzyston. You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Anything else from the State?

24 MR. BARLOW: One more short witness.

25 THE COURT: All right.

## TRACY PINNOCK - DIRECT BY MR. BARLOW

1 MR. BARLOW: Your Honor, we'd call Ms. Tracy Pinnock.

2 THE COURT: All right, Ms. Pinnock. Do you swear or  
3 affirm to tell the truth, the whole truth, and nothing but the  
4 truth, so help you God?

5 THE WITNESS: I do.

6 THE COURT: If you'll grab a seat and state your name for  
7 the record.

8 THE WITNESS: Tracy Pinnock.

9 TRACY PINNOCK, being first duly  
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BARLOW:

13 Q: Good morning, Ms. Pinnock.

14 A: Good morning.

15 Q: How long have you been practicing law?

16 A: It'll be 15 years in November.

17 Q: And how much of that has been criminal law?

18 A: All of it.

19 Q: And you were appointed on this case; correct?

20 A: So I was brought in as the third seat for Mr. Young's  
21 trial. So I was not officially appointed to represent him.

22 Q: Were you involved in the preparations for this case?

23 A: Yes.

24 Q: Were you extensively involved?

25 A: As the case got closer to trial, I was. I came into Mr.

## TRACY PINNOCK - DIRECT BY MR. BARLOW

1 Young's case very late solely for the trial. So I was not  
2 involved, you know, when he was originally arrested. All the  
3 conversations that happened prior to trial preparation, I was  
4 not involved in his case before that.

5 Q: Let me ask you this. Were you involved in anything with  
6 regards to the alibi?

7 A: So according to the notes that we were able to pull off  
8 of the -- our computer system, it does say that I had a  
9 conversation with our investigator on whether or not he was  
10 able to get in contact with any of the alibi witnesses. It  
11 also looks like I attempted to make contact with -- with one  
12 of the witnesses myself multiple times over the phone and left  
13 voicemails.

14 But not having my hard copy notes -- most of my notes are  
15 all handwritten, so they would be in the physical file. So I  
16 honestly don't have independent recollection of much of Mr.  
17 Young's case just because it was so long ago. So I can only  
18 rely off of the little that I do remember and what's in the  
19 computer system.

20 Q: Okay. Do your notes reflect that anything came to  
21 fruition from the alibi witnesses?

22 A: No. A few people that we tried to contact, Marvetta Rowe  
23 and Carlina Rowe, were not what I would call cooperative with  
24 us. The notes do indicate that we had contact with the  
25 individual named Brittany, but there were some issues. When

## TRACY PINNOCK - DIRECT BY MR. BARLOW

1 we -- when we reviewed the cell phone information, there was a  
2 conflict between what we had been told by the witness and the  
3 information we were getting from the phones.

4 Q: It's -- basically, it's -- your testimony or your notes  
5 reflect exactly what Mr. Krzyston notes?

6 A: Yeah. I mean, it's all -- it's all in the same document  
7 from the computer system.

8 Q: Okay. Do your notes reflect anything about the DNA  
9 expert or the DNA consult?

10 A: Yeah, I -- I put a note in on October 23rd of '14 that we  
11 had a phone call with our DNA expert, Mr. -- Dr. Ostrowski,  
12 and we were prepping and, you know, discussing possible  
13 questions for cross-examination. I do not believe that we had  
14 called him to testify. I think we were just utilizing him in  
15 a consulting position.

16 Q: And one final question. Did you have any reason to  
17 suspect that Mr. Young had mental health issues?

18 A: Sitting here, I honestly do not recall if I went to the  
19 jail and spoke to Mr. Young. I would assume that I did, but I  
20 don't have any independent recollection of doing that. So, I  
21 mean, I'm sorry, but I cannot answer that question.

22 MR. BARLOW: Nothing further.

23 MR. GRIFFITH: May it please the Court, Your Honor.

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

## TRACY PINNOCK - CROSS BY MR. GRIFFITH

1 BY MR. GRIFFITH:

2 Q: I know you said it more than one time. What was your  
3 last name?

4 A: Pinnock, P-i-n-n-o-c-k.

5 Q: Pinnock?

6 A: Pinnock. Close enough. Pinnock. That works.

7 Q: So during the time that Mr. Young was incarcerated before  
8 the trial, did you say that you never spoke to him?

9 A: No, I didn't say that. I don't have any independent  
10 memory of going down there. I would assume that I did because  
11 we were in -- we were preparing for trial, but I can't tell  
12 you I went down, you know, on a specific date, this is what we  
13 talked about. Without my notes in front of me, I can't -- I  
14 don't want to make the statement without having my notes in  
15 front of me.

16 Q: Okay. So you also don't have any notes?

17 A: Correct.

18 Q: And so -- so you can't, from notes that is, be specific  
19 as to whether or not you talked to him; right?

20 A: Correct.

21 Q: But you believe you did or didn't talk to him?

22 A: I believe I did. That's -- that's the normal practice  
23 the closer you get to a trial date, but I don't want to say I  
24 spoke with him on a number of occasions without having my  
25 notes in front of me saying that I went -- went down to the

## TRACY PINNOCK - CROSS BY MR. GRIFFITH

1 jail and spoke to him on those occasions. So the best I can  
2 say is I assume I talked to him because that's what I  
3 typically would do.

4 Q: Okay. But you understood that there were some alibi  
5 witnesses that he had named; isn't that correct?

6 A: Yes.

7 Q: And you mentioned that you talked to the investigator  
8 about alibi witnesses; isn't that correct?

9 A: Yes.

10 Q: And that you yourself tried to reach out to some alibi  
11 witnesses; isn't that correct?

12 A: Yes. According to the notes, it looks like I made some  
13 phone calls to one of the potential witnesses.

14 Q: But you also stated that you actually never talked to any  
15 of these alibi witnesses; is that correct?

16 A: So the note from October 22nd of '14 says that I  
17 attempted to contact Ms. Rowe multiple times, left voicemails  
18 and asked her to call us back. It does look like at some  
19 point our investigator had contact with somebody. That person  
20 was Brittany, but I don't believe -- I have nothing to suggest  
21 that I ever had direct contact with Brittany or anybody else  
22 as far alibi witnesses.

23 Q: Okay. So as far as you know also, none of these alibi  
24 witnesses were called by the defense attorneys at trial; is  
25 that correct?

## TRACY PINNOCK - CROSS BY MR. GRIFFITH

1 A: I do remember that we did not call the alibis.

2 Q: Okay. So the defense attorneys, whether -- either one,  
3 it doesn't matter -- did not get in touch with or bring these  
4 alibi witnesses into the court to testify on Mr. Young's  
5 behalf?

6 A: Right. We did not have any witnesses come in to testify  
7 about alibi.

8 Q: Okay. And you said that you don't really recall having  
9 enough communications with Mr. Young to determine whether he  
10 had mental issues; is that correct?

11 A: I can't -- what I'm saying is, I can't pinpoint how many  
12 conversations I had with Mr. Young leading up to the trial.  
13 So I don't know if I should answer that question without being  
14 confident in how many conversations I actually had with him.  
15 Does that make sense?

16 Q: Okay.

17 MR. GRIFFITH: Okay. I have no further questions. Thank  
18 you.

19 THE COURT: Anything else from the State?

20 MR. BARLOW: No, Your Honor.

21 THE COURT: Thank you. You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Any other witnesses from the State?

24 MR. BARLOW: No further witnesses, Your Honor.

25 THE COURT: Any other witnesses from the defense?

1 MR. GRIFFITH: No, Your Honor.

2 THE COURT: All right. Mr. Griffith, if you'll give me a  
3 brief summation of your arguments, and then I'll let you  
4 reply.

5 MR. GRIFFITH: Your Honor, we would contend that Mr.  
6 Young has had mental issues all his life, and it certainly is  
7 not out of the question that he did not understand everything  
8 that was going on because he's been treated for mental illness  
9 his entire life and of course, that would include that period  
10 of time when he was on trial.

11 Also, Your Honor, as to the alibi witnesses, both of the  
12 attorneys that testified stated that, first of all, they don't  
13 have any notes, and so we don't know for certain what  
14 happened. And that they did not call any of these alibi  
15 witnesses, but that they were informed by Mr. Young of these  
16 alibi witnesses. His contention is he informed them, and they  
17 did not follow through. And so, Your Honor, we would ask that  
18 the Court consider that as to whether he should have another  
19 trial.

20 But also, Your Honor, as to any other evidence, I mean,  
21 the DNA evidence just was so inconclusive. It was just  
22 totally a circumstantial case. There was no real hard  
23 evidence, direct evidence, other than the testimony of -- some  
24 of the testimony that was, like, a note from his co-defendant,  
25 et cetera.

1           But, Your Honor, so we would ask that the Court grant his  
2 petition for a new hearing.

3           THE COURT: All right. Thank you, sir.

4           MR. BARLOW: Your Honor, thank you.

5           Your Honor, the State's position would be that this --  
6 this was a very extensive and long trial. He had three PDs  
7 appointed to him. If they were -- the record for itself  
8 speaks for itself. If -- they were very good. They -- they  
9 crossed everyone in it.

10           As far as alibi witnesses, he gave us three first names  
11 and then a name of a female, to which we have testimony from  
12 both PDs that they did find a Brittany. It was a Brittany --  
13 I believe it was Young, not Jones, but they -- they did.

14           And from both -- well, at least from Mr. Krzyston, we --  
15 we had testimony that -- that there was nothing to be had from  
16 those alibi witnesses, that what Ms. Brittany was providing,  
17 the triangulation did not match with the location. And so,  
18 Your Honor, that goes to the alibi.

19           As far as the mental health issues, you know, the lawyer  
20 sits in a place, and they have to look at their client and  
21 they have to determine whether or not they believe that there  
22 is a mental health issue, and Mr. Krzyston testified that he  
23 did not think that there was any reason to question his  
24 competency or anything else.

25           Again, it was an extensive trial. There was an extensive

1 direct appeal on this, and it was affirmed on direct appeal.  
2 And, Your Honor, I would argue that he had effective  
3 assistance of counsel and that his allegations should be  
4 dismissed with prejudice.

5 THE COURT: All right. What I'm going to do is I'm going  
6 to take this under advisement, review everything I heard  
7 today. I have the full transcript here, as well as the  
8 arguments right now from Mr. Young and his counsel. So I'll  
9 take this under advisement and consider everything I heard  
10 before making my decision.

11 MR. BARLOW: Thank you, Your Honor.

12 MR. GRIFFITH: Thank you, Your Honor.

13 THE COURT: Thank you, Mr. Young.

14 (WHEREUPON, the proceedings ended.)

15

16 --- END REQUESTED TRANSCRIPT ---

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STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Lorenzo B. Young., #362169,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS  
) FIFTH JUDICIAL CIRCUIT

) CASE NO. 2019-CP-40-1119

**RECEIVED**

NOV 18 2024

**ORDER OF DISMISSAL  
WITH PREJUDICE**

S.C. SUPREME COURT

RICHLAND COUNTY  
FILED  
2024 AUG 14 PM 12:00  
JEANETTE W. MCFARLANE  
CLERK

Presiding Judge:	Hon. Daniel Coble
Applicant's Attorney:	Timothy L. Griffith, Esq.
Respondent's Attorney:	D. Russell Barlow, II, Esq.
Trial Counsel:	Stephen Krzyston, Esq. Tracy E. Pinnock, Esq. Jaqueline Bambach, Esq.
Date of Hearing:	September 11, 2023
Court Reporter:	Elizabeth B. Harris

This matter comes before the Court by way of Lorenzo B. Young's (Applicant) application for post-conviction relief (PCR) filed on February 26, 2019. Respondent, the State of South Carolina, submitted its Return on October 23, 2019, requesting an evidentiary hearing to resolve the claims as set forth in the application.

On September 11, 2023, an evidentiary hearing was held at the Richland County Courthouse before the Honorable Daniel Coble. Applicant was present and represented by Timothy L. Griffith, Esquire. Assistant Attorney General D. Russell Barlow, II, represented Respondent. Applicant proceeded forward on the claims set forth in his application. In support of these claims, Applicant testified on his own behalf, and Respondent presented testimony from Stephen Krzyston (Counsel Krzyston) and Tracy Pinnock (Counsel Pinnock) (hereinafter collectively referred to as Trial Counsel).

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

#### **PROCEDURAL HISTORY**

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections (SCDC). In February 2014, the Richland County Grand Jury indicted Applicant for Murder (2014-GS-40-0745), Kidnapping (2014-GS-40-0746), Burglary—2<sup>nd</sup> Degree (2014-GS-40-0747), and Attempted Armed Robbery (2014-GS-40-0749). Richland County Public Defenders Stephen Kryston, Tracy Pinnock, and Jacqueline Bambach represented Applicant. Fifth Circuit Assistant Solicitors Dolly Garfield, K. Luck Campbell, and Nicole Simpson prosecuted the case.

On November 10-19, 2014, Applicant proceeded to a jury trial before the Honorable Robert E. Hood. The jury found Applicant guilty as indicted. Judge Hood sentenced Applicant to consecutive terms of life without parole for Murder, twenty (20) years for Attempted Armed Robbery, and fifteen (15) years for Burglary—2<sup>nd</sup> Degree. Pursuant to S.C. Code Ann. § 16-3-910, Applicant's Kidnapping sentence was vacated.

Applicant filed a timely Notice of Appeal. Appellate Defender David Alexander perfected Applicant's appeal by filing a merits brief to the South Carolina Court of Appeals presenting the following issue:

Whether the trial court erred in admitting an unredacted letter written by appellant's co-defendant that implicated appellant by name in the murder over appellant's hearsay objection, and in not granting a mistrial after appellant's objections that no limiting instruction could be sufficient.

The Court of Appeals affirmed Applicant's convictions and sentences by unpublished opinion. State v. Lorenzo B. Young, Op. No. 2017-UP-5501 (Ct. App. filed July 19, 2017). On August 3, 2017, Applicant filed a Petition for Rehearing. On September 21, 2017, the Petition for Rehearing was denied. On November 13, 2017, Applicant filed a Petition for Writ of Certiorari. On December 12, 2017, Respondent filed its Return to Petition for Writ of Certiorari. Applicant's petition was denied, and the Remittitur was returned on March 7, 2018.

#### **FACTS GIVING RISE TO THE CONVICTION**

In the early morning hours of July 1, 2013, Theresa Baskin heard screams of terror from thirty-three-year-old Kelly Hunnewell, who worked the early morning shift in the off-site bakery for the Carolina Café. (Trial Tr. pp. 305-306.) Baskin, who lived across the street from the bakery on Tommy Circle, heard the dying words of the mother of four after she was shot by Lorenzo Young (Applicant) and his co-defendant Trenton Barnes (Barnes) in a robbery. (Trial Tr. p. 304; Trial Tr. p. 306).

Hunnewell arrived every morning at 3:00 am to make the bagels and sandwiches for the popular downtown deli. (Trial Tr. pp. 410-411). She would typically work until 11:00 am so she could go home and care for her four young children. (Trial Tr. p. 411). On the morning of the murder, Applicant and Barnes intended to rob the nearby Original Ale House. (Trial Tr. p. 301). However, when they realized the bar was closed, Applicant and Barnes chose the next most convenient victim. Hunnewell was in the bakery next door with the lights on and the door propped open. (Trial Tr. p. 306). The men approached Hunnewell, who was working at the stove and had her back to the door. (Trial Tr. pp. 1447-1448). The suspect in the red hoodie pointed his gun at her head. (Trial Tr. pp. 1448-1449). After a struggle in which Hunnewell tried to defend herself,

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the men shot her multiple times. (Trial Tr. pp. 1449-1450). Hunnewell collapsed on the floor with a bullet lodged in her back, drowning in her own blood. (Trial Tr. p. 1055; p. 1062).

Hunnewell's neighbor heard her screams and called the police. (Trial Tr. p. 307). The police arrived within minutes and found Hunnewell dead on the floor. (Trial Tr. p. 307; p. 294; p. 296; p. 312). The police processed the scene, collecting four .45 Glock Automatic Pistol (G.A.P.) shell casings, two .40 caliber Smith and Wesson casings, projectiles, and video surveillance footage. (Trial Tr. pp. 298-299; p. 327; p. 351; p. 353; pp. 372-373; p. 1327; p. 1329). The bakery's security cameras recorded the murder from several different points of view. (Trial Tr. pp. 434-435). In the video, Hunnewell is seen working at the stove when two suspects, one in a red hoodie and one in a grey hoodie, enter the bakery. (Trial Tr. pp. 492-493). The suspects point guns at her and shoot her. A third suspect comes to the door as the shooting begins, and the three suspects flee. (Trial Tr. pp. 493).

Investigators canvased the area around the bakery to look for witnesses. (Trial Tr. pp. 464-465). The police released the video to the media in an effort to gain more information about the perpetrators. (Trial Tr. pp. 1146-1147). Police received tips identifying Applicant and brothers Trenton Barnes and Troy Stevenson as the men who committed the crime. (Trial Tr. p. 455-456; p. 466; p. 468; pp. 1149-1150; p. 1154). All three suspects lived near the bakery. (Trial Tr. p. 657; p. 1139; p. 1195-1196).

Donald Moore, a friend of Applicant, Trenton Barnes, and Troy Stevenson, testified under subpoena for the State. (Trial Tr. pp. 614-615; p. 633). Though he recanted his story later, he testified he contacted the police after he saw the story about the murder on television. (Trial Tr. pp. 616-617). Moore told police Applicant and Stevenson talked about robbing the Original Ale House before the murder. (Trial Tr. p. 618). Moore also told police he saw Applicant showing

off a Glock gun prior to the murder and told Applicant to put the gun away because of the nearby children. (Trial Tr. p. 619; p. 621). Moore also identified Applicant in the video as the man wearing the red hoodie. (Trial Tr. pp. 622-623).

Based upon Moore's information, the police obtained and executed a search warrant for Applicant and his girlfriend Rolanda Coleman's home, in which they found ammunition of the same caliber as those found near the body of Hunnewell. The search produced live rounds from a .40 caliber Smith and Wesson, a 9 mm Luger, and a .45 G.A.P. (Trial Tr. pp. 782-785). Crime scene analysts also found a Glock magazine in Coleman's purse and several pairs of black gloves. (Trial Tr. pp. 780-781). Furthermore, the police confiscated a pair of black Nike shoes, a scan disc, a camcorder, a laptop, and two cell phones. (Trial Tr. pp. 792-795). Testing later revealed gunshot residue on the black gloves. (Trial Tr. p. 818).

Rolanda Coleman told police Applicant spent the evening before the murder with Troy Stevenson, and he called his mother the morning after to pick him up from Stevenson's home. (Trial Tr. p. 523; p. 526). She stated Applicant returned home the morning of the murder with his firearm, wrapped it in his shirt, and hid it in a crib. (Trial Tr. p. 517; pp. 527-528). Shortly after seeing a news video about the murder, Coleman overheard a conversation between Applicant and his mother in which his mother told Applicant to get rid of the gun. (Trial Tr. p. 534). Coleman also testified she recognized the man wearing the grey hoodie in the video as Trenton Barnes. (Trial Tr. pp. 534-535).

Barnes' mother testified her sons were at her house with Applicant the night of the murder. (Trial Tr. p. 649). She testified Barnes and Applicant left the house around midnight. (Trial Tr. p. 650). She stated around three in the morning, she received a phone call from Applicant, asking to talk to another man staying at her house. (Trial Tr. pp. 651-652). Cell phone records confirmed

these calls. (Trial Tr. pp. 1093–1094). The second time Applicant called, Ms. Barnes told Applicant to send her son, Barnes, home. (Trial Tr. pp. 652-653). She testified after a few minutes, she sent her other son, Troy Stevenson, to locate the men to bring his brother home. (Trial Tr. p. 654). Ms. Barnes testified Applicant was wearing a red hoodie when he left the house and Barnes was wearing a grey hoodie, which she could identify from a tear in the fabric. (Trial Tr. p. 656). When Stevenson left to look for his brother, he was wearing a dark jacket. (Trial Tr. pp. 656-657). After Barnes was arrested, he wrote a letter to his mother implicating himself and Applicant in the crime. (Trial Tr. p. 663).

Mary Brown, a neighbor and acquaintance of Applicant, Barnes and Stevenson, also saw the men wearing the red and grey hoodies the night of the robbery and murder. (Trial Tr. pp. 892-895). Brown saw the video released to the news media and recognized Applicant and his codefendant but did not know their names. (Trial Tr. p. 897; p. 900).

Following his arrest, Applicant approached inmate Dominique Wright to assist him in the defense of his case. (Trial Tr. pp. 744-745). Wright was helping another inmate with some legal work when Applicant overheard the men discussing the "stand your ground law." (Trial Tr. p. 747). Applicant told Wright he and two other men intended to rob a club, but because the club was closed, they went next door to a bakery. (Trial Tr. p. 746). Applicant told Wright when Hunnewell resisted, he shot her twice. (Trial Tr. p. 746). Wright testified Applicant sought his advice to discuss how he could use Hunnewell's efforts to defend herself as an advantage in reducing his charge. (Trial Tr. p. 747). Wright documented what Applicant told him and sent the information to an investigator, who passed it on to the solicitor's office. (Trial Tr. pp. 748-749).

Another inmate, Michael Peterson, testified Applicant discussed the murder with him while they were in the law library together. (Trial Tr. pp. 833-834). After Applicant heard Peterson was

familiar with the law, he asked for help. (Trial Tr. p. 834). Applicant explained to Peterson he "went on this lick." (Trial Tr. p. 834). When Peterson asked Applicant if he meant the bakery job on Beltline, Applicant confirmed, saying, "yeah, it was all over the news." (Trial Tr. p. 834). Applicant told Peterson he shot the victim when she acted like she was about to use her phone to call the police. (Trial Tr. p. 835). Applicant told Peterson, "The police don't have nothing. We had on masks and gloves." (Trial Tr. p. 835). Applicant told Peterson he was not concerned because the police only found shell casings and identified him from the clothing, he wore that night. (Trial Tr. pp. 836-837). Peterson testified he later overheard Troy Stevenson and Applicant discussing the robbery in the prison showers. (Trial Tr. p. 843). Peterson said Applicant was nervous, though he reassured Stevenson the police only had shell casings. (Trial Tr. p. 843).

Michael Schaefer, another inmate at Alvin Glenn Detention Center, testified he had several opportunities to speak with Applicant while they were housed together in the same dorm. (Trial Tr. pp. 918-919). Schaefer and Applicant discussed their respective cases, and Schaefer testified to the following:

Okay, he said him and two other people by the name of Trap [Stevenson] and Trigg [Barnes] went out to rob a nightclub in the area, but it was closed. They saw the bakery was opened. They took that as an opportunity to go in. The woman was in there. He said she went for a knife she was struggling so he shot her twice. He fled the scene. He said he was wearing a red hoodie and jeans.

(Trial Tr. pp. 920-921). Schaefer told his lawyer about the exchange, and his lawyer advised him to turn the information over to the solicitor's office. (Trial Tr. p. 923). Schaefer also testified he spoke to Applicant around the holidays, expressing remorse for his own crime of robbing a bank. Schaefer testified Applicant responded, "Well, I shouldn't have shot that bitch." (Trial Tr. p. 924).

Investigator VanHouten of the Columbia office of the Secret Service performed the data analysis of the cell phone associated with the Applicant. (Trial Tr. p. 1280; Trial Tr. p. 1283).

VanHouten was able to recover video and photos of Applicant wearing a red hoodie and jeans. (Trial Tr. pp. 1285-1286, line 7.) VanHouten was also able to recover web searches from Google Chrome in which media released searched for the media-released videos of the murder of Hunnewell. (Trial Tr. p. 1288). Vanhouten found cached images from the video released to the media of the suspect in the red hoodie and blue jeans, as well as the kitchen crime scene. (Trial Tr. pp. 1290-1291).

Samples taken from the crime scene and Hunnewell's body did not produce a large enough DNA sample suitable for comparison to a complete DNA profile. (Trial Tr. pp. 960 – 987.) However, a small portion of DNA found on the front of the large metal spoon Hunnewell used to defend herself could not exclude the DNA of Applicant and Barnes. (Trial Tr. p. 379; p. 974).

#### **CURRENT ACTION BEFORE THIS COURT**

In his application for post-conviction relief, Applicant alleged he was being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
  - a) Trial Counsel fail[ed] to investigate the facts.
  - b) Trial counsel fail[ed] to challenge credibility of witnesses.
  - c) Trial counsel fail[ed] to properly investigate Applicant's prior mental health.

Applicant requests relief in the form of "reverse, remand, and vacate sentence and conviction."

Before this Court are the Richland County Clerk of Court records regarding Applicant's convictions and sentences, Applicant's entire appellate records, Applicant's trial records, and the records of this PCR action.

### STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act<sup>1</sup> (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based on the following types of allegations:

- (1) That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
- (2) That the court was without jurisdiction to impose sentence;
- (3) That the sentence exceeds the maximum authorized by law;
- (4) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
- (5) That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
- (6) That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

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<sup>1</sup> S.C. Code Ann. §§ 17-27-10 to -160.

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687–88; accord. Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable." (citation and internal quotation marks omitted)).

Regarding the deficiency prong of the Strickland analysis, the proper measure of performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." Kimmelman v. Morrison, 477 U.S. 365, 384 (1986); cf. Cullen v. Pinholster, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome

the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. Strickland, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." Id. at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." Harrington v. Richter, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent, there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625; see Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result must be *substantial*, not just conceivable." Richter, 562 U.S. at 112.

Finally, the Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689–90. Courts must be wary of second-guessing counsel's trial tactics, and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant's burden of proving both Strickland components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Id. at 686; see Nix v. Whiteside, 475 U.S. 157, 175 (1986) (noting that under Strickland, the "benchmark" of the right to counsel is the "fairness of the adversary proceeding"); cf. United States v. Morrow, 977 F.2d 222, 229 (6th Cir. 1992) ("[T]he threshold issue is not whether [the applicant's] attorney was inadequate; rather, it is whether he was so *manifestly* ineffective that defeat was snatched from the hands of probable victory.").

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility.

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his

application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

#### *INITIAL FINDINGS*

As a matter of general impression, this Court finds Trial Counsel's testimony at the evidentiary hearing **credible** and **persuasive**, where they presented well-recollected testimony of relevant background, facts, and discussions leading up to and during the trial. This Court further finds applicable the strong presumption that at all stages of Trial Counsel's representation of Applicant they rendered adequate assistance and exercised reasonable professional judgment in their representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

*INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL ALLEGATIONS ON THE MERITS*

**Allegation 1: "Trial counsel failed to investigate the facts of my case."**

Applicant alleges Trial Counsel was constitutionally ineffective for failing to investigate the facts of his case. At the evidentiary hearing, Applicant specifically testifies as to Trial Counsel's failure to investigate his alibi defense and DNA evidence. This Court finds this allegation is without merit.

Strickland v. Washington makes clear that defense counsel "has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." 466 U.S. 668, 691 (1984). "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). At a minimum, counsel must interview potential witnesses and make independent investigations regarding the facts and circumstances of the case. Ard. v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007). To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing, or their testimony must otherwise be presented, consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Mere speculation regarding the witness's testimony is insufficient to establish prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

Moreover, to prevail on a claim of ineffective assistance based on failure to investigate, a PCR applicant must ordinarily present some probative evidence that could have been discovered by a more thorough investigation. See Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (reversing the PCR court's grant of relief where the applicant failed to "present any

evidence of what counsel could have discovered or what other defenses [Applicant] would have requested counsel pursue had counsel more fully prepared for the trial").

Through an alibi, an accused attempts "to show that because he was not at the scene of the crime at the time of its commission, having been at another place at the time, he could not have committed the crime." State v. Robbins, 275 S.C. 373, 375, 271 S.E.2d 319, 320 (1980) (quoting 21 Am. Jur. 2d Criminal Law § 136). To do so, the accused must show "he was at a place so distant that his participation in the crime was impossible." Id. Furthermore, the alibi must account for the entire time during which these crimes were committed. Id. "[S]ince an alibi derives its potency as a defense from the fact that it involves the physical impossibility of the accused's guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all." State v. Glover, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (citing Robbins, 275 S.C. 373, 271 S.E.2d 319).

#### **PCR Evidentiary Hearing**

At the evidentiary hearing on direct examination Applicant testified Stephen Krzyston, Tracy Pinnock, and Jacqueline Bambach represented him at trial. (PCR Tr. p. 7). Applicant testified the only thing he had when he was arrested in 2013 was his arrest warrant. (PCR Tr. p. 8). Applicant testified he provided Trial Counsel with the names of people who could help prove his alibi. (PCR Tr. p. 8). Applicant testified that he asked Trial Counsel to investigate so that it would prove his innocence. (PCR Tr. p. 8; p. 10). Applicant testified Trial Counsel did not investigate nor speak to the alibi witnesses. (PCR Tr. p. 8). Applicant testified the alibi witnesses were at the house that night and could testify Applicant had left prior to the crime happening. (PCR Tr. p. 10). Applicant testified had Trial Counsel spoken to them, it would have changed the outcome of his trial. (PCR Tr. p. 9).

Applicant testified he told Trial Counsel to hire an expert to corroborate his contentions that his DNA was not at the crime scene. (PCR Tr. p. 11). Applicant testified that he believed that the right attorney, investigating and questioning certain witnesses, would help prove his innocence. (PCR Tr. p. 14).

On cross-examination, Applicant testified he had an alibi defense and contended he was not present when the murder occurred because he left for his friend Brittney Jones's (Jones) house. (PCR Tr. p. 14). Applicant testified Saquan, Marquis, Dontrell, and his codefendants were his alibi witnesses. (PCR Tr. p. 15). Applicant testified his codefendants were "pointing blame towards [Applicant] to get the heat off them...guess to save thyself." (PCR Tr. p. 15). Applicant testified he never told his lawyer about calling Jones as a witness. (PCR Tr. p. 16). Applicant testified he had conversations with Jones and did not ask her to make a police report because the burden was on the State to prove guilt, and he had witnesses that stated he didn't leave with them. (PCR. Tr. p. 17). Applicant testified the State introduced evidence they had his DNA, and from his understanding, the DNA was worthless. (PCR Tr. p. 18). Applicant testified DNA could contribute to "half of the world's population or something like that." (PCR Tr. p. 18).

On direct examination, Counsel Kryzston testified he investigated the names in terms of witnesses given on September 29<sup>th</sup>. (PCR Tr. p. 25). By October 15<sup>th</sup> of that same year, they received investigative returns that were "potentially factually problematic," but they "certainly investigated." (PCR Tr. p. 25). Counsel Kryzston testified there were discussions about Applicant's potential alibi, and in October 2014, they were advised of two potential witnesses, Marvetta Rowe and Carlana Rowe. (PCR Tr. p. 23). Counsel Kryzston testified their investigator (now deceased) contacted Marvena and Carlana, as well as Brittany Young. (PCR Tr. p. 24). Counsel Kryzston testified Applicant's cell phone information did not match the location for the

alibi "based on cellphone triangulation data" from the government. (PCR Tr. p. 24). Counsel Kryzston testified there was a conflict between the witnesses and where the cell tower showed Applicant's phone's location. (PCR Tr. p. 24).

As to DNA, Counsel Kryzston testified there was a partial DNA match on the spoon the victim held, and Applicant could not be excluded as a contributor. (PCR Tr. p. 22). Counsel Kryzston testified there were witnesses who encountered Applicant before and after the incident at the bakery. (PCR Tr. p. 22). Counsel Kryzston testified there was also snitch testimony saying Applicant admitted to committing the crime. (PCR Tr. p. 22). Counsel Kryzston testified there was "notoriously a handwritten note" from Trenton Barnes admitting he and Applicant participated in the event and asked for their mother's forgiveness. (PCR Tr. p. 22). Counsel Kryzston testified they did not formally hire Ron Ostrowski; however, they did speak to him on October 23<sup>rd</sup> regarding the DNA. (PCR Tr. p. 25). Counsel Kryzston testified the DNA evidence "really helped as much as it hurt." (PCR Tr. p. 25). Counsel Kryzston testified that the DNA was admitted at trial, and they could not impeach the Richland County Sheriff's Department DNA policies and procedures. (PCR Tr. p. 26).

On cross-examination, Counsel Kryzston testified he did not recall any of the names Applicant contends to support his alibi defense. (PCR Tr. p. 30). Counsel Kryzston testified there were two names noted in his attorney-client contact notes dated 9/29/14. (PCR Tr. p. 31). Counsel Kryzston testified that it was two weeks before turning back investigative returns on those witnesses, so if he had put those two names down, he certainly would have put anybody else's name down and asked for investigations into them. (PCR Tr. p. 31). Counsel Kryzston testified it did not appear from his notes that his investigator recommended that they contact any additional parties. (PCR Tr. p. 32).

Counsel Pinnock testified she came to the Applicant's case solely for trial. (PCR Tr. p. 35). Counsel Pinnock testified she conversed with their investigator on whether he could get in contact with any of the alibi witnesses. (PCR Tr. p. 36). Counsel Pinnock testified she attempted to contact one of the witnesses multiple times over the phone and left voicemails. (PCR Tr. p. 36). Counsel Pinnock testified they tried to contact Marvetta Rowe and Carlana Rowe, who were not cooperative. (PCR. Tr. p. 36). Counsel Pinnock testified they contacted Brittany; however, there was a conflict between what the witness stated and the cell phone information. (PCR Tr. p. 36). Counsel Pinnock testified they had no witnesses come in to testify about Applicant's alibi. (PCR Tr. p. 40).

As to the DNA, Counsel Pinnock testified, based on her note from October 14, 2014, that they had a conversation with their DNA expert, Dr. Ostrowski, about possible questions for cross-examination. (PCR Tr. p. 37). Counsel Pinnock testified they did not ask Dr. Ostrowski to testify but instead utilized him in a consulting position. (PCR Tr. p. 37).

### **Findings**

This Court, after a thorough evaluation, finds that the Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court further finds the combination of the record and Trial Counsel's **credible** testimony that Applicant has failed to overcome his burden in proving Trial Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. Trial Counsel's **credible** testimony indicates that they undertook a reasonable investigation into the facts and circumstances of Applicant's case. Trial Counsel **credibly** testified that they attempted to locate individuals Applicant provided to them. Notably, Applicant did not present any witnesses

to this Court to support his contention that Trial Counsel failed to investigate his alibi witnesses. To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing, or their testimony must otherwise be presented, consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Mere speculation regarding the witness's testimony is insufficient to establish prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

**Allegation 2: "Trial counsel failed to challenge credibility of witnesses."**

Applicant alleged Trial Counsel was constitutionally ineffective for failing to challenge the credibility of witnesses. This Court finds this allegation to be without merit.

#### **PCR Evidentiary Hearing**

On direct examination, Applicant testified attorneys did not challenge the witness's credibility. (PCR Tr. p. 11). Applicant testified he had a high-profile case, and multiple people tried to incriminate him to save themselves in their situation. (PCR Tr. p. 11). Applicant testified the State's witnesses were "jailhouse snitches" and testified about information he had told them. (PCR Tr. p. 12). Applicant testified he asked Trial Counsel to investigate jailhouse records that

would show he was not housed with these witnesses at any point. (PCR Tr. p. 12). Applicant testified that if Trial Counsel had investigated those records, then they could have presented that information in his defense. (PCR Tr. p. 12).

On cross-examination, Applicant testified there were two or three "jailhouse" snitches that lied. (PCR Tr. p. 18). Applicant testified the "jailhouse snitches" were never housed with him and then testified that two of them were housed with him and one was not. (PCR Tr. p.18). Applicant testified one of them testified he met Applicant at the law library. (PCR Tr. p. 19). However, Applicant testified two of them were housed with him. (PCR Tr. p. 19). Applicant testified Donald Moore (Moore) was a state witness, while on the stand "...lied about everything in the situation, and [Applicant] is pretty sure a lot more people would do the same thing." (PCR Tr. p. 19). Applicant testified he did not feel as if Moore's testimony favored him because his lie got him in this situation." (PCR Tr. p. 20).

On direct examination, Counsel Kryzston remembered cross-examining all the State's witnesses that he was responsible for. (PCR Tr. p. 26).

### **Findings**

As an initial matter, this Court finds the record refutes Applicant's allegation that had Trial Counsel investigated the jailhouse witnesses, then they would have found out Applicant never had any interactions with them. For instance, Michael Peterson (Peterson) was an inmate who testified at trial. (Trial Tr. pp. 832 – 866). Peterson and Applicant were housed in the SHU at the same time. (Trial Tr. p. 833; pp. 849 – 858). Michael Schaefer (Schaefer) was another inmate who testified at trial. (Trial Tr. pp. 917 – 933). Schaefer was housed in the Juliette dorm with Applicant. (Trial Tr. p. 918; pp. 927 – 928).

The only "jailhouse" witness this Court finds that gives any semblance of credence to Applicant's allegation is Alfred Dominique Wright (Wright), who testified at trial that he gave a statement that he met Applicant in the law library on February 28, 2014. (Trial Tr. p. 752). On cross-examination of Wright, Trial Counsel was able to elicit that Applicant was in the SHU dorm at the jail on February 19, 2014, and would not have been eligible to go to the law library for thirty (30) days pursuant to the jailhouse policy. (Trial Tr. p. 759). Here, Trial Counsel fully cross-examined this witness to Applicant's benefit.

Turning to Moore, who provided a statement to law enforcement wherein he provided that he saw Applicant with a gun and identified Applicant as the person in the red hoodie. (Trial Tr. pp. 622 – 623). At trial, Moore recanted his statement and testified that everything he provided to law enforcement was a lie. (Trial Tr. pp. 614 – 646).

This Court finds Applicant has failed to meet his burden of proving Trial Counsel was deficient and that the alleged deficiency prejudiced him. *See Butler, supra*. Further, this Court finds cross-examination is a matter of trial strategy, and Applicant has failed to overcome the presumption that Trial Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (citing *Strickland*, 466 U.S. at 690); *see Abney v. State*, 408 S.C. 41, 48, 757 S.E.2d 544, 547 (Ct. App. 2014) ("[D]ecisions primarily involving trial strategy and tactics may be made by trial counsel. Examples of such decisions include which jurors to accept or strike, which witnesses should be called on the defendant's behalf, what evidence should be introduced, whether to object to the admission of evidence, *[and] whether and how a witness should be cross-examined.*") (emphasis added). From the record, it is clear that Trial Counsel adequately attacked the veracity

and credibility of each witness. Lastly, Applicant did not provide this Court with any records to indicate that which Applicant contends and thus has failed to overcome his burden of proof.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

**Allegation 3: "Trial counsel failed to properly investigate Applicant's prior mental health."**

Applicant alleged Trial Counsel was constitutionally ineffective when he failed to properly investigate Applicant's prior mental health. This Court finds this allegation to be without merit.

The law prohibits a criminal trial of an incompetent defendant, Pate v. Robinson, 383 U.S. 375, 378 (1966). The test for competency is the same whether a defendant pleads guilty or goes to trial—namely, "whether the defendant has the present ability to consult with his attorney with a reasonable degree of rational understanding" and the requirement that the defendant "have a rational as well as a factual understanding of the proceedings against him." Sims v. State, 313 S.C. 420, 423–24, 438 S.E.2d 253, 254–55 (1993) (citing Godinez v. Moran, 509 U.S. 389, 398–401 (1993). (citing Drope v. Missouri, 420 U.S. 162, 171 (1975) (observing that a defendant is incompetent if he "lacks the capacity to understand the nature and object of the proceedings against him") (emphasis added).

To prove prejudice from counsel's failure, an applicant must show there is a reasonable probability he would have been deemed incompetent at the time of his trial. Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992). Counsel will not be found deficient where they reasonably relied on their perceptions of a defendant's competency in determining if an evaluation was necessary. Garren v. State, 423 S.C. 1, 813 S.E.2d 704 (2018); Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992) (finding counsel acted reasonably in relying on his own perceptions of a defendant's competency).

### **PCR Evidentiary Hearing**

On direct examination, Applicant testified that before and at trial, Applicant had mental health problems. (PCR Tr. p. 12). Applicant testified that it was his first time going through a trial. (PCR Tr. p. 12). Applicant testified that he had been on medication his whole life. (PCR Tr. p. 13). Applicant testified that he understood some of the trial as best as Trial Counsel could break it down for him. (PCR Tr. p. 12). Applicant testified that his mental problem affected his ability to remain focused—"the learning stuff"—and that was it. (PCR Tr. p. 13).

On direct examination, Counsel Kryzston testified that Applicant never indicated he had mental issues. (PCR Tr. p. 26). Counsel Kryzston testified that his notes show he did not suspect Applicant having any mental health issues. (PCR Tr. p. 28). Counsel Kryzston testified that part of the standard interrogation inquired about any services received through the Department of Disabilities and Special Needs, whether they've been diagnosed with any disability, schooled under an individualized education plan, or how far they got in school. (PCR Tr. p. 27). Counsel Kryzston testified that there is nothing in his notes triggering any memory that Applicant had difficulty understanding nor that he suffered from an "outwardly apparent mental health issue." (PCR Tr. p.

27). Counsel Kryzston testified that, in his professional opinion, there was no reason to have a competency evaluation on Applicant. (PCR Tr. p. 27).

On cross-examination, Counsel Kryzston testified that he did not recall asking for Applicant to undergo a medical evaluation. (PCR Tr. p. 32). Counsel Kryzston testified that he was unaware Applicant was treated for mental disabilities all his life. (PCR Tr. p. 32). Counsel Kryzston testified that his standard screening consisted of an exhaustive screening regarding any prospect of a mental health issue, and he did not note any mental health issues for Applicant. (PCR Tr. p. 33). Counsel Kryzston testified that there was no issue communicating with Applicant. (PCR Tr. p. 33). Counsel Kryzston testified that he and Applicant engaged in plea discussions and extensive strategy discussions throughout the course of his representation. (PCR Tr. p. 34). Counsel Kryzston testified that he has represented intellectually disabled individuals and people who have had mental health issues previously. (PCR Tr. p. 34). However, Applicant did not trigger any "outward manifestation" that led Counsel Krzyston to believe Applicant did not understand or that he had a mental health issue. (PCR Tr. p. 34).

### **Findings**

This Court, after a thorough evaluation, finds that the Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe, supra*. This Court further finds from Trial Counsel's **credible** testimony that Applicant has failed to overcome his burden in proving Trial Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. *See Butler, supra*. Counsel Kryzston **credibly** testified that based on his professional judgment, Applicant did not appear to have any issues with competency, so he did not see a need to pursue a mental health evaluation. *See Garren v. State, supra*, (Counsel will not

be found deficient where they reasonably relied on their perceptions of a defendant's competency in determining if an evaluation was necessary.). Counsel Kryzston credibly testified he had no issues communicating with Applicant. Counsel Kryzston credibly testified he performed an exhaustive screening to determine any mental health issues, and Applicant did not manifest any outward indicators that would have led him to believe Applicant suffered from a mental illness. See Jeter, supra (Under Strickland, an attorney may reasonably rely upon his or her own perceptions of a defendant in determining whether or not their client should be mentally evaluated.).

Furthermore, Applicant presented no proof to this Court that he was, in fact, incompetent at the time of his trial. See Garren, 423 S.C. at 13-14, 813 S.E.2d at 711 (An applicant must present some proof of identifiable mental health issues which undermine his or her competency; mere speculation and conjecture by the applicant is insufficient to establish prejudice.).

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

**|CONCLUSION PAGE FOLLOWS|**

CONCLUSION

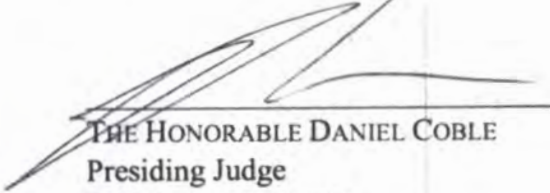
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED and DISMISSED WITH PREJUDICE**.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking a review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 31 day of July, 2024.

  
 THE HONORABLE DANIEL COBLE  
 Presiding Judge  
 Fifth Judicial Circuit

Richland, South Carolina

**WITNESSES**

**(S) Matthew David Mccoy**  
- Columbia Police Department

**ARREST WARRANT NUMBER**

**2013A4021602374**

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date:

*Handwritten Signature*  
FEB 20 2014

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2014GS4000745**

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**FEBRUARY TERM 2014**

**87**

**THE STATE**

**vs.**

**Lorenzo Bernard Young**

**Indictment for  
MURDER**

**SC Code: 16-03-0010**

**CDR Code: 0116**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.



**WITNESSES**

**(S) Matthew David Mccoy**  
- Columbia Police Department

**ARREST WARRANT NUMBER**

**2013A4021602375**

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury  
Date:

*Kenneth D. Howard*  
FEB 20 2014

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2014GS4000746**

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**FEBRUARY TERM 2014**

**87**

**THE STATE**

**vs.**

**Lorenzo Bernard Young**

**Indictment for  
KIDNAPPING**

**SC Code: 16-03-0910  
CDR Code: 0095**

After being fully advised as to my  
legal rights, I hereby waive presentment  
to the Grand Jury.

Defendant

I  
hereby appear in my own proper person and plead  
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.



**WITNESSES**

**(S) Matthew David Mccoy**  
- Columbia Police Department

**ARREST WARRANT NUMBER**

**2013A4021602376**

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date:

*[Signature]*  
FEB 20 2014

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2014GS4000747**

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**FEBRUARY TERM 2014**

**87**

**THE STATE**

**vs.**

**Lorenzo Bernard Young**

**Indictment for  
BURGLARY 2ND DEGREE (VIOLENT)**

**SC Code: 16-11-0312(B)**

**CDR Code: 0086**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.



**WITNESSES**

**(S) Matthew David Mccoy**  
- Columbia Police Department

**ARREST WARRANT NUMBER**

**2013A4021602378**

**ACTION OF GRAND JURY**

**TRUE BILL**

*Handwritten signature*

Foreperson of Grand Jury  
Date: FEB 20 2014

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2014GS4000749**

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**FEBRUARY TERM 2014**

**87**

**THE STATE**  
**vs.**

**Lorenzo Bernard Young**

**Indictment for**  
**ATTEMPTED ARMED ROBBERY**

SC Code: 16-11-0330(B)  
CDR Code: 0026

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE#: 2014 -GS- 40 - 745 ✓

VS. Lorenzo Bernard Young

A/W#: 2013 A4021602374  
Date of Offense: 7-1-13  
S.C. Code §: 16-03-0010  
CDR Code #: 0116

AKA: \_\_\_\_\_  
Race: Black Sex: Male Age: \_\_\_\_\_  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ \* SID# \_\_\_\_\_

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  
TO: Murder 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

CONVICTED OF or  PLEADS

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] 77500 [Signature] [Signature] 100666  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of LIFE day/months/years or PAROLE under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are  
incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department  
of Corrections.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

*Fine:		\$	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	_____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§47.12 (Public Def/Prob)	\$500	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	_____
§14-1-213 (Drug Court Surcharge)	\$100	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
§90.7(SCCJA Surcharge)	\$5	\$	_____
3% to County (if paid in installments)		\$	_____
TOTAL		\$	_____

Random Drug/Alcohol Testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

NO CONTACT W/ VICTIM & FAMILY

Appointed PD or appointed other counsel,  
§47.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court/Deputy Clerk Jeanette Mc Bride  
Court Reporter: Ambrogio

Presiding Judge Reford  
Judge Code: 2/64  
Sentence Date 11-19-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

VS.

Lorenz Bernard Young

INDICTMENT/CASE#:

2014 -GS- 40 - 746 ✓

A/W#:

2013 A 40 2160 2375

Date of Offense:

7-7-13

S.C. Code §:

16-03-0910

CDR Code #:

0095

AKA: \_\_\_\_\_

Race: Black Sex: Male Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ \* SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: kidnapping

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act)  §17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: \_\_\_\_\_ 77500 \_\_\_\_\_ SC Bar # \_\_\_\_\_ SC Bar #

Solicitor \_\_\_\_\_ Defendant \_\_\_\_\_ Attorney for Defendant \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of \_\_\_\_\_ days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	_____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§47.12 (Public Def/Prob)	\$500	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	_____
§14-1-213 (Drug Court Surcharge)	\$100	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
§90.7(SCCJA Surcharge)	\$5	\$	_____
3% to County (if paid in installments)		\$	_____
TOTAL		\$	_____

Clerk of Court/Deputy Clerk: Jeanette McBride  
Court Reporter: Ambrosia

SENTENCE SHEET

**NO SEX OFFENDER REGISTRY**

PTUP \_\_\_\_\_ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: SENTENCE VACATED

PURSUANT TO 16-3-910

S.C. Code Ann

Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: Petford

Judge Code: 2-164

Sentence Date: 11-19-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

VS. Lorenzo Bernard Young

INDICTMENT/CASE#: 2014 -GS- 40 -747 ✓

A/W#: 2013 A 402 160 2376

Date of Offense: 7-1-13

S.C. Code §: 16-11-0312(B)

CDR Code #: 0086

AKA: \_\_\_\_\_

Race: Black Sex: Male Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ \* SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment, come now the Defendant who was

TO: Burglary 2nd

In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: \_\_\_\_\_

Solicitor \_\_\_\_\_ SC Bar # 77500 Defendant Lorenzo Young

Attorney for Defendant \_\_\_\_\_ SC Bar # 100666

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,

for a determinate term of 15 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment

of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are

incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2014 GS 40 745 + 749

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department

of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal

Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine:

§14-1-206 (Assessments 107.5%) \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \_\_\_\_\_

§14-1-211 (A)(2)(DUI Surcharge) \$100 \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \_\_\_\_\_

§47.12 (Public Def/Prob) \$500 \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \_\_\_\_\_

§14-1-213 (Drug Court Surcharge) \$100 \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \_\_\_\_\_

§56-5-2942(J) (Vehicle Assessment) \$40/ea \_\_\_\_\_

§90.7(SCCJA Surcharge) \$5 \_\_\_\_\_

3% to County (if paid in installments) \_\_\_\_\_

TOTAL \_\_\_\_\_

Clerk of Court/Deputy Clerk \_\_\_\_\_

Court Reporter: Ambrogini

Presiding Judge PeHnd

Judge Code: 2164

Sentence Date: 11-19-14

SENTENCE SHEET

CONVICTED OF or  PLEADS

PTUP \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

NO CONTACT W

VICTIMS FAMILY

Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge \_\_\_\_\_

Judge Code: \_\_\_\_\_

Sentence Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Piedmont  
STATE

INDICTMENT/CASE#: 2014 -GS- 40 - 749 ✓

VS. Lorenzo Bernard Young

AW#: 2013A4021602378

AKA: \_\_\_\_\_

Race: Black Sex: Male Age: \_\_\_\_\_

Date of Offense: 7-1-13

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-11-0330(B)

Address: \_\_\_\_\_

CDR Code #: 0026

City, State, Zip: \_\_\_\_\_

SENTENCE SHEET

DL# \_\_\_\_\_ \* SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment charges how the Defendant who was TO: Attempted Armed Robbery

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: 77500 Lorenzo Young SC Bar # 100666  
Solicitor Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 20 ~~months~~ years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2014 GS 40 749  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§47.12 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$100
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.7(SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Random Drug/Alcohol Testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

NO CONTACT WITH VICTIM'S FAMILY

Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Reford  
Judge Code: 2164  
Sentence Date 11-19-14

Clerk of Court/Deputy Clerk Jeanette McBride  
Court Reporter: Ambrosia